

APOORV CHANDRA

5134 Angel Stone Dr., Mississauga ON - L5M 0L4
416-417-6668 // chandra.apoorv@gmail.com

Petition for Exemption

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Exemption sought from: 14 CFR 121.436 (a)(3):

§ 121.436 Pilot Qualification: Certificates and experience requirements.

(a)

No certificate holder may use nor may any pilot act as pilot in command of an aircraft (or as second in command of an aircraft in a flag or supplemental operation that requires three or more pilots) unless the pilot:

(1)

Holds an airline transport pilot certificate not subject to the limitations in § 61.167 of this chapter;

(2)

Holds an appropriate aircraft type rating for the aircraft being flown; and

(3)

If serving as pilot in command in part 121 operations, has 1,000 hours as second in command in operations under this part, pilot in command in operations under § 91.1053(a)(2)(i) of this chapter, pilot in command in operations under § 135.243(a)(1) of this chapter, or any combination thereof. For those pilots who are employed as pilot in command in part 121 operations on July 31, 2013, compliance with the requirements of this paragraph (a)(3) is not required.

(b)

No certificate holder may use nor may any pilot act as second in command unless the pilot holds an airline transport pilot certificate and an appropriate aircraft type rating for the aircraft being flown. A second-in-command type rating obtained under § 61.55 does not satisfy the requirements of this section.

(c)

For the purpose of satisfying the flight hour requirement in paragraph (a)(3) of this section, a pilot may credit 500 hours of military flight time obtained as pilot in command of a multiengine turbine-powered, fixed-wing airplane in an operation requiring more than one pilot.

(d)

Compliance with the requirements of this section is required by August 1, 2013. However, for those pilots who are employed as second in command in part 121 operations on July 31, 2013, compliance with the type rating requirement in paragraph (b) of this section is not required until January 1, 2016.

Petition:

I am seeking relief from the above section by requesting to waive the pilot-in-command requirement from subsection (a)(3), for the 1000 hours of flight experience to be specifically obtained under CFR Part 121.

I am requesting that the FAA recognize my 4100 hours as Second-in-command (SIC), as well as my 600 hours as Pilot-in-command (PIC) flown under the Canadian Aviation Regulations (CARs) Part VII Subpart 5 - Airline Operations, for a total of 4700 equivalent qualifying hours to satisfy the criteria laid out under 14 CFR 121.436(a)(3).

Basis of petition:

The above-mentioned qualifying hours were all flown for Jazz Aviation (operating as a regional airline under the Air Canada banner) and for the flag airline, Air Canada. Both of these operators regularly offer scheduled flying service to the United States of America, and would meet the definition of a Schedule Air Carrier and Flag carrier and would fall under the jurisdiction of 14 CFR Part 121.

I submit this petition on the fact that Canada and the USA share similar airspace as well as Air Regulations, such they are the only two countries to have a bi-lateral agreement for the exchange of ATP licenses. This further lends itself to the compatibility and equivalency of the flights hours flown under the CARs.

Public interest:

There is substantial news of pilot shortages in every sector of the Aviation market, necessitating the cancellation of routes, grounding of aircraft, etc. The pilot shortage even has necessitated regional air carriers having petitioned the FAA for exemptions from 14 CFR 121.436(b), in addition to offering incentives to qualifying pilots in an effort to fill this gap.

Approving my petition would greatly enhance my ability to gain employment as a PIC at a regional air carrier. While one pilot is a drop in the bucket in the face of the massive shortage, it is nonetheless an additional pilot on-line and actively flying. Also, if a precedent is set by this exception, other similarly-situated Canadian pilots would also be able to help alleviate the pilot shortage.

Safety:

I don't believe this exemption would be detrimental to safety as I have the requisite experience to fulfil the intent of 14 CFR 121.436(a)(3). In addition, it is my belief that the intent of the regulation is to ensure the pilot in question has obtained sufficient experience in transport category aircraft, crew resource management, emergency management, etc.

Similar to any pilot in the USA, I have undergone semi-annual training in all of these requisite competencies without any negative results or failures.

I currently possess type-ratings on my ATP for the A320, B737, B767, all of which are very common types flown by US airlines accounting for almost 12,000 departures daily; in addition to also being qualified on the Canadian Regional Jet (CRJ) and the DH8-Q400 which are quite popular among the regional carriers.

I have also operated frequently, as PIC as well as SIC of a transport category aircraft in to and out of US airports in addition to multiple overflights over the last nine (9) years, which I hope will serve to further demonstrate my familiarity with US airspace and air regulations, and mitigate any safety concerns regarding my petition.

Summary for the Federal Register:

An exemption is sought to 14 CFR 121.436 (a)(3), specifically that pilot-in-command and second-in-command flight hours in a scheduled air service under the Canadian Aviation Regulation Part VII, subparts 5 and 4 be recognized as equivalent to second-in-command hours under 14 CFR Part 121.